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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 15th December, 1972:—

BILL No. 117 OF 1972

A Bill to provide for the establishment of a River Corporation for the regulation and development of inter-State rivers and river valelys.

BE it enacted by Parliament in the Twenty-third year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the River Corporation Act, 1972. Short title and Commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. It is hereby declared that it is expedient in the public interest that the Central Government should take under its control the regulation and development of inter-State rivers and river valleys to the etxent hereinafter provided. Declaration as to expediency of Control by Central Government.

3. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "Corporation" means River Corporation established under section 4;

(b) "member" means a member of the Corporation and includes its Chairman; and

(c) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

ESTABLISHMENT OF RIVER CORPORATION

Establishment of Corporation.

4. The Central Government shall, by notification in the Official Gazette, establish a River Corporation for controlling the regulation or development of inter-State rivers or river valleys or part or parts thereof and for performing such other functions as specified in section 13 of this Act.

Composition of Corporation.

5. (1) The Corporation shall consist of a Chairman and one member from each of the States nominated by the Central Government.

(2) A person shall not be qualified for nomination as a Member or Chairman unless, in the opinion of the Central Government, he has special knowledge and experience in irrigation, electrical engineering, flood control, navigation, water conservation, soil conservation, administration or finance.

Terms and Conditions of service of Chairman and members.

6. (1) A member shall hold office for a period of five years from the date he assumes office and shall, on the expiry of that period, be eligible for re-appointment.

(2) A member may resign his office by writing under his hand addressed to the Central Government, but he shall continue in office until the appointment of his successor is notified in the Official Gazette.

(3) A casual vacancy created by the resignation of a member under sub-section (2) or for any other reason shall, subject to the provision of sub-section (1) of section 5, be filled by fresh appointment.

(4) A member may be appointed either as a whole-time or part-time member as the Central Government thinks fit.

(5) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

Temporary absence of any member.

7. If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the Central Government may appoint another person to act in his place.

Meetings of Corporation.

8. The Corporation shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

Vacancy in Corporation etc. not to invalidate acts or proceedings

9. No act or proceeding of the Corporation shall be deemed to be invalid by reason only of the existence of any vacancy in the Corporation or any defect in the appointment of a member thereof.

Appointment of advisory Committees.

10. The Corporation may, from time to time, appoint one or more advisory Committee or Committees for the purpose of enabling it to carry out its functions under this Act.

Temporary association of persons with Corporation for particular purposes.

11. (*1*) The Corporation may associate with itself in such manner and for such purpose as may be determined by regulations made under this Act, any person whose assistance or advice it may desire in performing any of its functions under this Act.

(*2*) A person associated with the Corporation under sub-section (*1*) for any purpose shall have a right to take part in the discussions of the Corporation relevant to that purpose, but shall not have a right to vote at a meeting of the Corporation and shall not be a member for any other purpose.

Staff of Corporation.

12. Subject to such rules as may be made by the Central Government in this behalf, the Corporation may, for the purpose of enabling it to perform efficiently its functions or exercise its powers under this Act, appoint such officers as it may think fit and determine their functions and terms and conditions of service.

CHAPTER III

POWERS AND FUNCTIONS OF THE CORPORATION

Functions of the Corporation.

13. (*1*) The Corporation may prepare schemes, including multi-purpose schemes, for the purpose of regulating or developing any inter-State river or river valley and call upon the State Governments concerned to undertake measures for executing the scheme or schemes prepared by the Corporation.

(*2*) The Corporation shall, either on a reference being made to it by the Central Government or by any State interested in the regulation or development of any inter-State river or river valley, or on its own, give its opinion, with a view to resolve conflicts among the Governments concerned and to achieve maximum results in respect of measures taken or proposed to be taken by them in the inter-State river or river-valley for the purpose of—

(*i*) conservation, control and optimum utilisation of water resources of the inter-State river;

(*ii*) promotion and operation of schemes for irrigation, water supply or drainage;

(*iii*) promotion and operation of schemes for the development of hydro-electric powers;

(*iv*) promotion and operation of schemes for flood control;

(*v*) promotion and control of navigation;

(*vi*) promotion of afforestation and control of soil erosion;

(*vii*) prevention of pollution of the waters of the inter-State river;

(*viii*) such other matters as may be prescribed.

(3) The Corporation shall—

(a) allocate, among the Governments interested, the costs of executing any scheme prepared by the Corporation and of maintaining any works undertaken in the execution of the schemes;

(b) watch the progress of the measures undertaken by the Governments interested;

(c) undertake any other matter which is supplemental, incidental or consequential to any of the aforementioned functions.

(4) In performing its functions under this Act, the Corporation shall consult the Governments interested at all stages and endeavour to secure as far as may be practicable, agreement among such Governments.

(5) A scheme prepared by the Corporation for the purpose of regulating or developing any inter-State river or river valley, may be modified or revised by the Corporation on the request of any interested Government.

(6) Before any such scheme is made, the Corporation shall take into account the costs likely to be incurred in undertaking measures for executing the scheme and in maintaining any works to be undertaken in the execution of the scheme and the costs shall be allocated among the Governments interested in such proportion as may be agreed or, in default of agreement, as may be determined by the Corporation having regard to the benefits which will be received from the scheme by them.

(7) Every such scheme shall be forwarded to the Governments interested and the Corporation may advise them to undertake measures for executing the scheme and a copy of the scheme shall be forwarded to the Central Government.

(8) In case a Government interested does not execute such scheme, the Corporation may undertake the work of execution of the scheme and the moneys spent thereon shall be debited to the Government interested and realised by the Central Government in the same manner as if it were the loan advanced by the Central Government to that Government.

(9) The Corporation, and on the recommendation of the Corporation, the Central Government may, on a request received in this behalf from any Government interested or otherwise, assist the Governments interested in taking such steps as may be necessary for the execution of the scheme.

General powers of the Corporation.

14. For the purpose of efficiently performing its functions under this Act, the Corporation may—

(a) acquire, hold and dispose of such property, both movable and immovable, as it deems necessary;

(b) undertake such preliminary investigation or surveys or other measures as it deems necessary;

(c) inspect or cause to be inspected any works undertaken by any Government interested concerning the regulation or development of the inter-State river or river valley;

(*d*) conduct and coordinate research on various aspects of the conservation, regulation or utilisation of water resources, such as water power generation, irrigation, navigation, flood control, soil conservation, land use and connected structural and design features;

(*e*) collect such topographical, meteorological, hydrological and sub-soil water data as it deems necessary;

(*f*) publish statistics or other information relating to the various aspects of the regulation or development of an inter-State river or river valley;

(*g*) require any Government interested to furnish such information as the Corporation may require in relation to—

(*i*) the measures undertaken by that Government for the regulation or development of an inter-State river or river-valley;

(*ii*) the topographical, meteorological, hydrological and sub-soil water data;

(*iii*) such other matters as may be prescribed.

Payment to Corporation.

15. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Corporation in each financial year such sums as the Central Government may consider necessary for the performance of the functions of the Corporation under this Act.

Fund of Corporation.

16. (*1*) The Corporation shall have its own fund and all sums which may, from time to time, be paid to it by the Central Government or a State Government and all other receipts of the Corporation shall be credited to the fund of the Corporation and all payments by the Corporation shall be made therefrom.

(*2*) The Corporation may expend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Corporation.

Budget.

17. The Corporation shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government and the Governments interested and the Central Government shall cause every such budget to be laid before both Houses of Parliament.

Annual Report.

18. The Corporation shall prepare, in such form and at such time each year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and the Governments interested; and the Central Government shall cause every such report to be laid before the Houses of Parliament.

Accounts and audit.

19. (*i*) The Corporation shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.

(*ii*) The accounts of the Corporation shall be audited by or under the authority of the Comptroller and Auditor-General of India at such time and in such manner as may be prescribed.

CHAPTER IV

Miscellaneous

Disputes or differences between Governments interested in inter-State river or river-valley.

20. (*1*) Where any dispute or difference arises between two or more Governments interested with respect to—

(*a*) any advice or direction given by the Corporation under this Act;

(*b*) any measures undertaken by any Government interested in pursuance of any advice or direction given by the Corporation;

(*c*) the refusal or neglect of any Government interested to undertake any measures in pursuance of any advice or direction given by the Corporation;

(*d*) the sharing of benefits or financial liabilities arising out of any advice or direction given by the Corporation;

(*e*) any other matter covered by this Act, or touching or arising out of it,

any of the Government interested may, in such form and in such manner as may be prescribed, refer the matter in dispute to the Corporation for fresh or revised direction.

(*2*) The Corporation shall, after giving the Governments concerned an opportunity to explain their view point, reconsider the matter referred to it.

(*3*) After taking into consideration the respective points of view of the Governments interested, the Corporation shall give its decision and it may, if it considers necessary, issue a fresh direction or modify the existing one.

(*4*) Such a decision or direction shall be final and binding on the parties to the dispute and shall be given effect to by them.

Returns and Reports.

21. The Corporation shall furnish to the Central Government such returns, statistics, accounts and other information with repect to its funds or activities as the Central Government may from time to time require.

Delegation of Powers.

22. The Corporation may, by general or special order in writing delegate to the Chairman or any other member or any officer of the Corporation, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary for the efficient running of the day-to-day administration of the Corporation.

Members and Officers of Corporation to be public servants.

23. All members and officers of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Protection of action taken in good faith.

24. No suit or other legal proceeding shall lie against any member or officer of the Corporation in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Power to make rules.

25. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the salaries, allowances and conditions of the service of members of the Corporation;

(*b*) the matters in respect of which the Corporation may give its opinion to the Government interested under clause (*viii*) of sub-section (*2*) of Section 13;

(*c*) the matters in respect of which the Corporation may require a Government interested to furnish information;

(*d*) the manner in which the Central Government may assist the Governments interested to execute any scheme prepared by the Corporation;

(*e*) the form in which and the time within which, the budget and annual report of the Corporation may be prepared and forwarded to the Central Government and the Government interested;

(*f*) the form and manner in which the accounts of the Corporation may be maintained, and the time at which, and the manner in which, such accounts may be audited;

(*g*) the returns and information which the Corporation may be required to furnish to the Central Government;

(*h*) the form and manner in which a dispute may be referred to the Corporation under this Act;

(*i*) the procedure to be followed by the Corporation in deciding the disputes referred to it by the Governments interested;

(*j*) the manner of recruitment of the officers of the Corporation and the terms and conditions of service of such officers;

(*k*) any other matter which has to be, or may be, prescribed;

(*3*) Every rule made by the Central Government under this Act shall be laid as soon as may be, after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to make regulations.

26. The Corporation may, by notification in the Gazette of India, make regulations, not inconsistent with this Act or the rules made thereunder for—

(*a*) regulating the meetings of the Corporation and the procedure for conducting business thereat;

(*b*) regulating the manner in which, and the purposes for which advisory Committee may be constituted;

(*c*) regulating the manner in which and the purposes for which persons may be associated with the Corporation under section 11;

(*d*) determining the terms and conditions of service of the members of advisory Committee, of persons associated with the Corporation under Section 11 and of all officers appointed by the Corporation.

STATEMENT OF OBJECTS AND REASONS

Entry 56 of the Union List in the Seventh Schedule to the Constitution enables Parliament to make laws providing for the regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest. A number of inter-State rivers and river valleys have been the subject matter of prolonged disputes between the States concerned and thus the sustained development and proper utilisation of inter-State rivers and river valleys has been impeded. In turn it has caused a great loss to the overall economy of the country. In order that regulation and development of such rivers and valleys is properly done in the interest of the country at large, it is necessary that the matter should be entrusted to a single autonomous Central authority consisting of experts in their respective fields, with adequate powers and resources.

The present Bill seeks to achieve that objective.

R. P. ULAGANAMBI.

NEW DELHI;
The 31st October, 1972.

FINANCIAL MEMORANDUM

Clauses 4 and 5 of the Bill provide for establishment of a River Corporation with a membership, excluding the Chairman, equivalent to the number of States in the Indian Union. The Corporation is envisaged to be a permanent body. It is also envisaged that the Corporation should have its own staff, both technical and non-technical, to execute the schemes which it might prepare for the regulation and development of inter-State rivers and river valleys.

At this stage it is not possible to make any true assessment of the expenditure involved. However, a recurring expenditure of about rupees 50 lakhs is likely to be involved from the Consolidated Fund of India. A non-recurring expenditure of about rupees 10 lakhs will also be involved. It is provided in clause 15 of the Bill that whatever sum the Central Government pays to the River Corporation shall be paid after due appropriation made by Parliament by law.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 25 seeks to authorise the Central Government to make rules to carry out the provisions of the Act. Clause 26 authorises the River Corporation to make regulations to regulate the procedural matters specified therein. The delegation of these powers is of normal character.

S. L. SHAKDHER,
Secretary.

LOK SABHA

CORRIGENDUM

TO

THE RIVER CORPORATION BILL, 1972 BY SHRI R. P. ULAGANAMBI, M.P.

(To be/As introduced in Lok Sabha)

1. Page 6, line 32,—

for "Coorporation" *read* "Corporation".

NEW DELHI;
December 11, 1972.
Agrahayana 20, 1894 (*Saka*).

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